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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,200	08/07/2001	Quintin T. Phillips	10002608-1	2177

7590 01/23/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER	
BEATTY, ROBERT B	

ART UNIT	PAPER NUMBER
2852	

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/924,200	PHILLIPS ET AL.	
	Examiner	Art Unit	
	Robert Beatty	2852	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-6,8,9 and 11-20*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Robert Beatty
Primary Examiner
Art Unit: 2852

Continuation of 5. does NOT place the application in condition for allowance because:

First, on page 7, applicant states that the Matsunaga reference merely discloses a system in which the cartridge is manually loaded into the image forming apparatus (as indicated by the hands of Fig.7) and does not disclose a guide assembly for guiding the cartridge to a loaded (in use) position in which the examiner does not agree. The examiner believes that while the cartridge is first inserted through a door 30 to a "pre-loading" position, a guide assembly 10A-10D, and 19,22,23 automatically guides the cartridge to its loaded in use position through an opening in the image forming apparatus. This is clearly taught in the reference.

Second, on page 8, the applicant argues that there is no motivation for modifying Matsunaga with Shimoyama et al., that Matsunaga does not recognize the issue or problem that must be solved (in Shimoyama et al.), and that applicant on page 5, lines 7-18 merely stated that it is known to use spring-loaded levers and motor driven cams in tape cassette recorders to guide a tape cassette. The examiner disagrees.The motivation for using spring-loaded levers and motor driven cams so as to move the cassette (cartridge) of Matsunaga is because Shimoyama et al. provides for a prevention of erroneious loading of removable units which, of course, is desirable in any type of system having automatic loading of units. It is to be noted that the examiner is not combining a DAT cassette with the image forming unit of Matsunaga, only the improved way of loading removable units (such as a developing device or DAT cassette) from a larger apparatus (such as an image forming apparatus or DAT recorder. The references are evaluated by what they suggest to one versed in the art rather than by their specific disclosures. See In re Nomiya 184 USPQ 607. In the instant case, Shimoyama et al. would suggest a way in which removable units can be automatically inserted/ejected and it would have been obvious to combine such teaching with the Matsunaga device because erroneous loading can be prevented. In addition, it is not a requirement for making a 35 U.S.C. 103 rejection, that either reference recognize or attempts to solve problems with the other reference; all that is required is that there be a reason/suggestion/motivation, whether expressly articulated in the reference or not, for combining the references. Further, the examiner believes that the applicant states more than it is merely known to use spring-loaded levers and motor-driven cams to guide tape cassettes Rather, applicant expressly states that it is well known to use spring loaded levers and motor - driven cams to guide a printing cartridge 3 to its in use position (page 5, lines 16-18).

Third, on page 9, applicant argues that the combination of reference do not teach ejecting the cartridge from an opening and specifically points out door 30 and Fig.7. It is to be noted that the claims do not claim a door but an opening. Matsunaga teach an opening in the image forming apparatus (which has no reference numeral) which is covered by a toner cartridge carasel which is bolted onto the image forming apparatus via bolts 8. It is believe the applIcant is confusing the image forming apparatus opening with the opening (covered by door 30) of the toner carasel. It has been made clear previously that the opening examiner is reading the claims on is the opening of the image forming apparatus not the toner cartridge carasel.

Finally, it is belived the rest of the arguments made by applicant with respect to the rest of the claims (i.e. pages 10-15) are based on the arguments previously made on pages 7-9.